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SUBJECT: Under Pressure, Guatemalan Congress Voids Nomination of
Corrupt Chief of Public Defense

REF: 09 GUATEMALA 929

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¶1. (SBU) Summary: On February 9, the Guatemalan Congress voted to annul the selection of Remberto Leonel Ruiz Barrientos as head of the Institute for Public Criminal Defenders. Though originally chosen by a vote of 96-1 (with 61 abstentions or no-shows), the Commission Against Impunity in Guatemala (CICIG) revealed extensive derogatory information on Ruiz, implicating him in bribe-taking, embezzlement, and sexual harassment. The Constitutional Court ordered the Congress to review the selection. CICIG, the Ambassador and Emboffs successfully encouraged party leaders to restart the process and select an appropriate candidate. The Congressional decision requires the Postulation Committee to select a new slate of three candidates to present to Congress. End Summary.

¶2. (U) On February 9, the Guatemalan Congress voted to annul Remberto Leonel Ruiz Barrientos' appointment as head of the Institute for Public Criminal Defenders (IDPP) and to restart the process to select a new candidate. Congress originally confirmed Ruiz in January by a vote of 96-1. However, since then, multiple allegations of professional impropriety cast doubt on his suitability to lead the organization. The charges, substantiated by the International Commission Against Impunity in Guatemala (CICIG), include 46 disciplinary complaints against Ruiz during his stint as a judge in Zacapa from 1995-1998, six of which ended with a punishment of some sort. Civil society and CICIG also accused Ruiz of having accepted a bribe to free a prisoner accused of murder between 1995-1998 and that he had sexually harassed multiple women. According to CICIG, Ruiz later joined the Attorney General's office and surreptitiously removed all of his own disciplinary files.

¶3. (U) The Constitutional Court ordered Congress to revisit Ruiz's nomination after various parties questioned the integrity of the process and Ruiz's character. Ruiz originally formed part of a three candidate slate that had been selected by a Postulation Committee. The other candidates included the then-head of the IDPP Blanca Stalling and leftist candidate Fanuel Garcia. Following public pressure to withdraw, Stalling did so. Despite questions as to whether her departure legally tainted the process, since the law mandates that Congress select from a panel of three, Congress proceeded and selected Ruiz. The Constitutional Court reviewed the case and ordered Congress to vote again, following strong pressure from CICIG. The process will start again with the formulation of the Postulation Committee and the presentation of a new three-candidate slate to Congress.

¶4. (C) Following consultation with CICIG and other embassies, the Ambassador and Emboffs successfully encouraged party leaders to restart the nomination process. According to press reports, at the beginning of the day, a sufficient number of congressmen had agreed to reconfirm Ruiz. However, the Ambassador's intervention with

opposition leader Otto Perez Molina shifted the congressional balance in favor of annulment. Members of the dissenting Grand National Alliance (GANA) and Republican Front of Guatemala (FRG) benches, usually reliable legislative partners for the governing National Union for Hope (UNE), walked out. One influential Member of Congress told POL/ECON Counselor that Ruiz had promised dozens of jobs in exchange for congressional support.

15. (C) Comment: Coming in the wake of the troubled congressional election of the new Supreme Court in fall 2009, the Congress' selection of Ruiz was a disappointment (Ref A). The situation forced civil society, CICIG, and the USG to again badger the Congress into not installing an inappropriate candidate in a senior judicial position. Politically, it is notable that FRG and GANA broke from the governing UNE. Such dissent could be indicative that the coalition is fraying amid pre-electoral maneuvering. We will join civil society and CICIG in engaging closely with the Congress to encourage a better outcome next time around.

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